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2 **UNITED STATES DISTRICT COURT**  
3 **DISTRICT OF NEVADA**  
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5 MICHAEL MILLER,

6 Plaintiff,

7 v.

8 NIAGARA CREDIT SOLUTIONS, INC.,  
9 et al.,

10 Defendants.

Case No. 2:07-CV-00013-KJD-GWF

**ORDER**

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12 Plaintiff's Complaint was filed January 4, 2007. Plaintiff filed an Amended Complaint on  
13 June 21, 2007. Federal Rule of Civil Procedure 4(m) requires service of summons and complaint to  
14 be made upon a defendant 120 days after the filing of the complaint. The 120 day time period for  
15 effecting service of the summons and complaint upon Defendants expired May 4, 2007. Moreover,  
16 the date upon which Plaintiff's Amended Complaint was filed does not fall within the 120 day  
17 requirement, nor does the Amended Complaint seek to add new claims or a new party. On October  
18 16, 2007, the Court Ordered Plaintiff to file proof of service of the summons and complaint on or  
19 before October 25, 2007, and warned Plaintiff that failure to do so would result in dismissal of his  
20 Complaint. To date, Plaintiff has failed to file proof of service.

21 Accordingly, **IT IS HEREBY ORDERED** that Plaintiff's Complaint is **DISMISSED**,  
22 **without prejudice.**

23 DATED this 26th day of October 2007.

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26 Kent J. Dawson  
United States District Judge